



Kuwait

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Kuwait is a constitutional, hereditary amirate ruled by princes (Amirs) drawn from the Al-Sabah family. The Al-Sabahs have governed in consultation with prominent commercial families and other community leaders for over 200 years. The 1962 Constitution provides for an elected National Assembly and details the powers of the Government and the rights of citizens, although the Constitution also permits the Amir to suspend any or all of its provisions by decree. Only 14.8 percent of citizens (males over the age of 21) have the right to vote. The most recent general election, held in July 1999, was conducted as provided in the Constitution after the Amir dissolved a gridlocked National Assembly. A by-election was held in December 2000 to fill the seat of a deceased MP. In both cases, the election campaigns were generally considered to be free and fair; however, there were some problems.

Citizens do not have the right to change their Government. Under the Constitution the National Assembly has a limited role in approving the Amir's choice of Crown Prince (that is, the future Amir). If the National Assembly rejects his nominee, the Amir then submits three names, from which the assembly must choose the new Crown Prince. The Amir traditionally has appointed the Crown Prince to be Prime Minister, although this is not mandatory; the Crown Prince appoints the members of the Government. However, the elected National Assembly has demonstrated the ability at times to influence or overturn decisions of the Government. Members regularly require ministers to appear before the full Assembly for formal question sessions when they are dissatisfied with the Government's performance. On occasion, pressure exerted by the National Assembly, including through votes of no confidence, has led to the resignation or removal of ministers. In February Assembly members called for formal questioning procedures against seven Cabinet members; partially as a result, the Government resigned. In accordance with the Constitution, the Amir then asked the Prime Minister to form a new Government, which he did with significant changes at key ministries.

The Government bans formal political parties, and women do not have the right to vote or seek election to the National Assembly. A law promulgated in 1998 bans primaries previously conducted by religious sects and tribes. The Constitution and law provide for a degree of judicial independence; however, the Amir appoints all judges, and renewal of most judicial appointments is subject to government approval.

The national police, the Criminal Investigation Division (CID) and Kuwait State Security (KSS) are responsible for internal security under the supervision of civilian authorities of the Ministry of Interior. Members of the security forces committed a number of human rights abuses.

With large oil reserves, the economy is highly dependent on its energy sector. The Government owns the Kuwait Petroleum Corporation and, despite its stated emphasis on an open market, it dominates the local economy through direct expenditures and government-owned companies and equities. Receipts from oil sales finance 90 percent of the government budget. The Government has divested itself of stock holdings in nearly all private companies purchased in 1986 to offset a stock market crisis. According to government statistics, 93 percent of the indigenous workforce is employed in the public sector, while foreigners constitute 94 percent of the private sector workforce. In approximate terms, within a total population of 2.2 million there are 860,000 citizens and a large middle class; 36,000 upper-income households reportedly have liquid assets in excess of \$500,000. Citizens enjoy one of the highest standards of living in the world, and receive subsidized housing, childcare, food allowances, and free education. While most foreign workers receive none of these benefits, some skilled workers receive free housing, allowances, and other benefits comparable to those provided to citizens. Domestic servants and unskilled workers often live and work in poor conditions. During the 2001 fiscal year (FY), the country's estimated per capita gross domestic product (GDP) was \$16,941 (5,165 dinars), 28 percent more than FY 2000. The increase reflects the significant rise in oil revenues due to higher world oil prices and a decrease in the number of resident foreign workers. The estimated 2000-2001 budget deficit was

\$680 million. For the current FY, the budget deficit is estimated at \$7.5 billion.

The Government generally respected the human rights of its citizens in many areas, and there were some improvements during the year; however, its record was poor in some significant areas. Some police and members of the security forces abused detainees during interrogation. Overcrowding in the prisons continued to be a problem; however, the Government neared completion on two new buildings for the Central Prison, which were expected to open by May 2002, and finalized plans for three additional buildings scheduled to be built between February and December 2002.

The judiciary is subject to government influence, and a pattern of bias against foreign residents exists. The Government infringes on citizens' privacy rights in some areas. Security forces occasionally monitor the activities of individuals and their communications. Men must obtain government approval to marry foreign-born women. The law empowers the Government to impose restrictions on freedom of speech and the press, and it uses threats to induce journalists to practice self-censorship. The Government restricts freedom of assembly and association. The Government places some limits on freedom of religion and freedom of movement. Deportation orders may be issued by administrative order, and detention facilities are estimated to hold over 250 potential deportees, some for up to 6 months. Violence and discrimination against women are problems. Discrimination against noncitizens persists.

The Government acknowledges that a serious problem exists in the case of the "bidoon," Arabs who have residency ties to the country--some going back for generations, some for briefer periods--but who claim to have no documentation of their nationality. Before the Gulf War, there were approximately 220,000 bidoon in Kuwait; at year's end, there were an estimated 80,000 bidoon, down from a total of 110,000 in 2000, as 30,000 bidoon were naturalized, admitted to another Arab nationality, or acquired another status by purchasing fraudulent passports from other countries. In June 2000, the National Assembly passed a law requiring that bidoon register with the Government to begin a process in which some could be documented as citizens. Those who failed to register would be considered illegal residents. The Government maintains that many bidoon are concealing their true nationality. It reports that 39,000 were documented in the last 18 months as nationals of other countries, primarily Syria and Saudi Arabia, and that an estimated 40 to 50 percent of the remaining cases are suspected nationals of other countries. The Government had stated that it would take punitive action against those who did not rectify their stateless status by the June 2000 deadline, although no such action had been taken by year's end. The number of bidoon purchasing fraudulent passports reportedly is on the rise.

The abuse of foreign women working as domestic servants is a significant problem, and there are continuing reports of the rape of these women by their employers and coworkers. Dozens of domestic servants reportedly committed or attempted to commit suicide during the year because of desperation over poor working conditions. The Government restricts worker rights. The Labor Law does not protect domestic workers, whose situation remains poor. Unskilled foreign workers suffer from the lack of a minimum wage in the private sector, from the Government's failure to enforce the Labor Law, and at times physical abuse; some work under conditions that, in effect, constitute indentured servitude. Young boys are used as jockeys in camel races. There were two reports of procurers kidnaping domestic servants off the street and forcing them into prostitution; in both cases, the criminals were arrested and the women were rescued.

The country suffered under Iraqi occupation from August 1990 to February 1991, when an international coalition expelled Iraqi forces. Many human rights violations committed by the Iraqi army during this period remain unresolved, particularly the fate of 608 citizens and other residents taken by Iraq and still unaccounted for.

Executive and legislative leaders continued to strengthen political institutions by resolving major disagreements within the framework of the Constitution and without recourse to extrajudicial measures.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivations of life committed by the Government or its agents.

There were no developments in the investigations into the extrajudicial killings that occurred during the chaotic period after the country's liberation in February 1991.

b. Disappearance

There were no reports of politically motivated disappearances.

According to the International Committee of the Red Cross (ICRC), Iraqi authorities have not accounted for 608 citizens and other residents taken prisoner during Iraq's occupation of the country. There has been no significant development since 1994 in these disappearance cases. The Government of Iraq has refused to comply with U.N. Security Council Resolution (UNSCR) 687, which stipulates the release of detainees. In 1999 Iraq ceased its participation in ICRC-sponsored talks regarding the fate of the detainees. The U.N. Secretary General's special representative, Yuli Vorontsov, reported in August that Iraq continues to refuse to cooperate with the U.N. regarding these cases.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture; however, there continue to be credible reports that some police and members of the security forces abuse detainees during interrogation. Reported maltreatment includes blindfolding, verbal threats, and physical abuse. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians, than on citizens.

The Government states that it investigates all allegations of abuse and that it has punished at least some of the offenders. However, the Government does not make public either the findings of its investigations or what, if any, punishments are imposed. This omission creates a climate of apparent impunity, which diminishes deterrence against abuse.

Defendants have the right to present evidence in court that they have been mistreated during interrogation. However, the courts frequently dismiss abuse complaints because defendants are unable to provide physical evidence of abuse. Members of the security forces routinely do not reveal their identity during interrogation, a practice that further complicates confirmation of abuse.

Prison conditions, including conditions for those held for security offenses, meet or exceed international standards in terms of food, access to basic health care, scheduled family visits, cleanliness, and opportunities for work and exercise. Overcrowding in the prisons continued to be a problem; however, the Government began construction on two new prison buildings, which are expected to be completed by May 2002, and finalized plans for three additional buildings scheduled to be built between February and December 2002. The Government addressed the past problem of a lack of specialized medical care at the Central Prison by establishing in May an on-site hospital staffed by two full-time practitioners and a complete nursing staff. A team of three specialists attends the prisons weekly, and a psychiatrist is on call 24 hours; specialized health care is available from local hospitals. Approximately 1,800 men and 300 women are serving sentences or awaiting trial in prison; detainees are counted separately.

Unlike in the past, there were no reports of mistreatment of prisoners at the Talha or Central prisons, at the Shuwaikh deportation facility, or elsewhere. An estimated 250 deportees were being held at the deportation facility in Shuwaikh; some of these deportees have been kept there for up to 6 months waiting for their proper identity papers or for their country of nationality to accept them.

Drug-related offenders make up 60 percent of the Central Prison inmate population, and 46 percent of the total prison population. In September three inmates in the Central Prison died of drug overdoses. A police investigation into the deaths resulted in warranted searches of prisoners' cells in October. Ten inmates were found to be in possession of drugs and were segregated from the general prison population. In addition to nearing completion on the first two of five new prison buildings, the director of prisons also increased prison staffing, expanded the drug rehabilitation program for inmates, and increased the number of education programs available within the prisons, bringing in volunteers to teach academic and vocational classes. In July the Central Prison established a nursery for the children of female prisoners. Two of the five new buildings planned for completion by the end of 2002 will provide rehabilitation facilities for the worst drug offenders.

The National Assembly's Human Rights Committee closely monitored prison conditions throughout the year, and the Government allowed the International Commission of the Red Cross (ICRC) access to all prisons and detention facilities.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for freedom from arbitrary arrest and detention, and there were no reports that the Government arrested or detained persons arbitrarily.

In general police officers must obtain an arrest warrant from state prosecutors or a judge before making an arrest (see Section 1.f.), although in misdemeanor cases the arresting officer may issue them. Security forces occasionally detain persons at checkpoints in Kuwait City (see Section 2.d.).

Under the Penal Code, those suspected of serious crimes may be held for up to 4 days without charge, during which time security officers may prevent lawyers and family members from visiting them. In such cases, lawyers are permitted to attend legal proceedings, but not have direct contact with their clients. If charges are filed, prosecutors may remand a suspect to detention for an additional 21 days. Prosecutors also may obtain court orders for further detention pending trial.

During the 1999 election campaign, five parliamentary candidates were arrested and charged with slander against the Government. One of the candidates was sentenced to 6 months in prison (see Sections 2.a. and 3); the sentence was not carried out and all charges were dropped.

Of the estimated 2,100 persons serving sentences or being detained pending trial at the state security prison or state security detention facilities, approximately 54 are being held on security grounds. Of the 16 members of a suspected indigenous terrorist cell who were arrested on security grounds in November 2000, 12 were acquitted of charges and released during the year. The leader of the group received a 7-year sentence in December 2000; the other three members are scheduled to face charges of conspiracy to commit murder and illegal possession of weapons in early 2002.

The Government may expel noncitizens (including bidoon, that is, Arabs who have residency ties to the country--some going back for generations, some for briefer periods--but who have no conclusive documentation of their Kuwaiti nationality), if it considers them security risks. The Government also may expel foreigners if they are unable to obtain or renew work or residency permits. There are approximately 250 bidoon and foreigners held in detention facilities, some of them pending deportation. Some detainees have been held for up to 6 months. Many deportation orders are issued administratively, without the benefit of a trial. However, the Government does not return deportees to their countries of origin forcibly, allowing those who object to remain in detention. This practice leads to prolonged detention of deportees, particularly Iraqis, who do not wish to return to their own countries. The practice also is a factor in the complex problem faced by stateless bidoon deportees, who essentially remain in detention because their stateless condition makes the execution of the deportation order impossible (see Sections 2.d. and 5).

The Talha deportation center, which had been criticized in previous years by human rights groups, formally was reconstituted as a minimum-security prison in March 2000. There were no allegations of the forced, prolonged detention of deportees in the facility during the year (see Section 1.c.).

The law protects citizens from forced exile, and there were no reports of this practice. The law provides that citizens found guilty of crimes that violate moral integrity, such as rape or incest, are forbidden from holding public jobs (see Section 5.a.). The Penal Code also provides that noncitizens convicted of felonies must be deported after finishing their jail terms. The Constitution prohibits deportation or forced exile of citizens. However, in certain circumstances, citizens may have their citizenship revoked, including citizens sentenced for a felony during the first 10 years of attaining citizenship, citizens discharged from a public job for acts against integrity during the first 10 years of attaining citizenship, and citizens who take up residence in a foreign country and join an authority that is designed to undermine Kuwait.

e. Denial of Fair Public Trial

The Constitution provides for the right to a fair trial and states that "judges shall not be subject to any authority"; however, the Amir appoints all judges, and the renewal of judicial appointments is subject to government approval. Judges who are citizens have lifetime appointments; however, the majority of judges are noncitizens. Noncitizen judges hold 1- to 3-year renewable contracts, which undermine their independence. The Ministry of Justice may remove judges for cause, but rarely does so. Foreign residents involved in legal disputes with citizens frequently claim that the courts show a bias in favor of citizens.

The secular court system tries both civil and criminal cases. The Court of Cassation is the highest level of judicial appeal. Sunni and Shi'a Muslims have recourse to courts of their respective branches for family law cases. The Government established a Shi'a appellate court in 2000 that operated throughout the year. In the secular courts no groups are barred from testifying. Most courts consider men and women's testimonies equally; however, in the family courts the testimony of one man is equal to the testimony of two women.

Defendants have the right to confront their accusers and appeal verdicts. The Amir has the constitutional power to pardon or commute all sentences. Defendants in felony cases are required by law to be represented

in court by legal counsel, which the courts provide in criminal cases. In misdemeanor cases, defendants have the right to waive the presence of legal counsel, and the court is not required to provide counsel to indigent defendants. However, the Kuwaiti Bar Association is obligated upon court request to appoint an attorney pro bono for indigent defendants in civil, commercial, and criminal cases. While virtually all indigent criminal defendants ask for and receive pro bono counsel, in practice very few indigent civil and commercial plaintiffs request this service.

Both defendants and prosecutors may appeal court verdicts to the High Court of Appeal, which may rule on whether the law was applied properly as well as on the guilt or innocence of the defendant. Decisions of the High Court of Appeal may be presented to the Court of Cassation, which conducts a limited, formal review of cases to determine only whether the law was applied properly.

In March the Court of Cassation commuted a 1993 military court's death sentence to a life sentence for Alaa Hussein, head of the Iraqi-installed "provisional" government during the occupation. The Chief Justice determined that Hussein expressed guilt and remorse for his actions by returning voluntarily to the country, and the Court commuted his sentence from death to life. In May 2000, a court had upheld Hussein's conviction for treason, as well as his death sentence. The trial appeared to have been conducted in a fair and open manner.

In March a private citizen brought a criminal court case against a writer for publishing obscene materials during the year. The case was in adjournment at year's end (see Section 2.a.).

The Government continues to incarcerate 20 persons (7 Iraqis, 8 bidoon, 2 citizens, 2 Palestinians, and 1 Syrian) convicted of collaboration with Iraq during the 1990-1991 occupation. Under the law, such collaboration is considered a felony. Most of the persons convicted in the Martial Law Court in 1991, and the Special State Security Court, which was abolished in 1995, did not receive fair trials. Amnesty International faulted the trials in general, and particularly noted the absence of any right of appeal of the verdicts. During the year, the Amir pardoned three Iraqis and four bidoon convicted by the martial law and state security courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for individual privacy and sanctity of the home, and the Government generally respects these rights in practice; however, the law, which generally requires police to obtain a warrant to search both public and private property, provides for a warrantless search if alcohol or narcotics are suspected on the premises or if police are in hot pursuit of a suspect fleeing the scene of a crime. A warrant may be obtained from the State Prosecutor or, in the case of searches of private property, from a judge. The security forces occasionally monitor the activities of individuals and their communications.

The law forbids marriage between Muslim women and non-Muslim men and requires men to obtain government approval to marry foreign-born women. Although the Government may advise men against marriage to a foreign national, there are no known cases of the Government refusing permission for such marriages. The Government advises women against marrying foreign nationals (see Section 2.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of the press, printing, and publishing "in accordance with the conditions and manner specified by law," and, with a few exceptions, citizens are free to criticize the Government at public meetings and in the media; however, several laws empower the Government to impose restrictions on freedom of speech and the press and journalists practice self-censorship. During the year no court cases were initiated under the restrictive laws. The Government, through the Ministry of Information, practiced informal censorship by pressuring individual publishers and editors believed to have "crossed the line" in attacking government policies and discussing subjects deemed offensive to Islam, tradition, or the interests of the State.

Newspapers are privately owned and free to report on many social, economic, and political issues and frequently criticize government policies and officials, including the Crown Prince/Prime Minister. Press accounts at the beginning of the year, which questioned and criticized the Government, led to National Assembly members calling for formal question sessions of several cabinet members. Such actions may lead to votes of no confidence against Ministers, as well as their removal from office.

The Government ended prepublication censorship in 1992, but journalists still censor themselves. The Press Law prohibits the publication of any direct criticism of the Amir, official government communications with other

states, and material that serves to "attack religions" or "incite people to commit crimes, creates hatred, or spreads dissension among the populace." Direct criticism by the press of the Cabinet's foreign and security policy occurred during the year as in other years.

In order to begin publication of a newspaper, the publisher must obtain an operating license from the Ministry of Information. Publishers may lose their license if their publications do not appear for 6 months. This 6-month rule prevents publishers from publishing sporadically. It is not used to suspend or shut down existing newspapers. Individuals also must obtain permission from the Ministry of Information before publishing any printed material, including brochures and wall posters. There were no reported cases of the Ministry of Information denying permission to publish printed material during the year.

The Government does not censor foreign journalists and permits them open access to the country.

In 2000 the Government attempted to close two newspapers, charging them with publishing false information. After significant public criticism, particularly by the National Assembly, the Cabinet decided not to shut down the papers. The criticism led to the offer of resignation by the Cabinet in March 2000, which was not accepted at that time, and to proposals by National Assembly members to amend the constitutional article that permits government suspension of publications without review by the Assembly or the courts. As in 2000, no action was taken to amend the article during the year. The Government did not threaten to shut down any newspapers during the year.

The law requires jail terms for journalists who ridicule religion (see Section 2.c.). In contrast to prior years, there have been no prosecutions of print or broadcast journalists for ridiculing religion for 2 consecutive years. Unlike the previous year, there were no prosecutions of individuals or publishers related to book publications. Under the law, any citizen may initiate a court case against an author if the citizen deems that the author has defamed Islam, the ruling family, or public morals. Often these court cases are brought for political reasons. In September a private citizen filed criminal charges against a Kuwait University professor for speaking and writing about lesbianism and heterosexuality; the case remained in adjournment at year's end. In January 2000, two female authors, Leila Al-Othman and Alia Shuaib, were found guilty in two separate cases of writing "obscene" and "blasphemous" books. An appeals court overturned Shuaib's conviction in March 2000, but Al-Othman was indicted and fined \$3,000 (912 dinars), as was her publisher.

The Government owns and controls the local radio and television companies. Satellite dishes are widely available, and citizens with such devices are free to watch all available programming. During the year, state-owned Kuwait-TV broadcast women's gymnastics and swimming events from the 2000 Sidney Olympics that had been censored on the state-owned local television at the time the events originally had taken place because an Islamist National Assembly member criticized them as pornographic.

The Ministry of Information censors all books, films, videotapes, periodicals, and other imported publications deemed morally offensive. The Ministry censors media for political content as well and does not grant licenses to magazines with a political focus. The General Organization of Printing and Publishing controls the publication and distribution of informational materials.

The Internet is easily accessible; there reportedly are 165,000 regular Internet users, representing 8.5 percent of the total population. However, in August the Ministry of Communications issued new directives to Internet service providers to block "immoral" sites and some political sites. Internet providers responded by installing filtering technology. Each Internet service provider determines what sites to block, within the framework of censorship norms.

The Constitution provides for freedom of opinion and of research, and states that every person shall have the right to express and propagate his opinion verbally, in writing or otherwise. There is no formal government censorship of university teaching, research, or publication. However, academic freedom is limited by self-censorship and academics are subject to the same restraints as the media with regard to criticism of the Amir or Islam.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to assembly; however, the Government restricts this right in practice. Public gatherings must receive prior government approval, as must private gatherings of more than five persons that result in the issuance of a public statement. Informal weekly, social and political gatherings of men, known as "diwanias," are protected by the Constitution. Practically every adult male citizen, including the Amir, members of the Government, and members of the National Assembly hosts or attends diwanias, at which topics of current interest are discussed. The diwaniya system contributes to the development of political

consensus and official decisionmaking. Women are not precluded from holding diwanias; however, such diwanias are uncommon. By tradition women are barred from male diwanias.

The Constitution provides for the right of association; however, the Government restricts this right in practice. The Government bans political parties. However, several unofficial blocs, acting much like parties, exist and are active in the National Assembly (see Section 3).

All nongovernmental organizations (NGO's) must obtain a license from the Ministry of Social Affairs and Labor in order to be recognized officially. The Government uses its power to license as a means of political control and there are 72 NGO's awaiting licensing by the Ministry. The Ministry has licensed 51 NGO's, including professional groups, a bar association, and scientific bodies; however, since 1985, it has issued only 5 new licenses. Licensed NGO's receive government subsidies for their operating expenses, including travel and per diem expenses for participating in international conferences. The Ministry has disapproved other license requests on the grounds that previously established NGO's already provide services similar to those proposed by the petitioners (see Sections 2.d. and 4). In June the Government canceled the licenses of three NGO's. These organizations had been receiving government subsidies of up to \$100,000 per year, although they had few members and undertook virtually no activities. Members of licensed NGO's must obtain permission from the Ministry before attending international conferences (see Sections 2.d. and 4). There were no cases of the Government denying or barring representatives of licensed NGO's from attending international conferences.

There are hundreds of unlicensed civic groups, clubs, and unofficial NGO's in Kuwait. They do not receive Government subsidies. In May 1999, in accordance with a 1993 decree that ordered unregistered NGO's to cease activities, the Government announced a crackdown on unlicensed branches of NGO's, whose activities it previously had overlooked, including unlicensed branches of Islamic charities, and required that they cease operations by mid-September 1999. No further action was taken pursuant to the announced crackdown (see Sections 2.c. and 4). However, in August the Government undertook efforts to prevent unlicensed charity collections by persons fraudulently misrepresenting themselves as part of charity groups. The Government intensified its supervision of all charity groups in the latter part of the year, as part of its effort to prevent any diversion of funds to terrorists and announced that unlicensed charities would be closed in 2002.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, the Government places some limits on this right. The Constitution also provides that the State protect the freedom to practice religion in accordance with established customs, "provided that it does not conflict with public policy or morals." Islam is the state religion. The Constitution states that Shari'a (Islamic law) is "a main source of legislation."

The procedures for registration and licensing of religious groups are unclear. The Ministry of Awqaf and Islamic Affairs has official responsibility for overseeing religious groups. Officially recognized churches must deal with a variety of government entities, including the Ministry of Social Affairs and Labor (for visas and residence permits for pastors and other staff) and the Kuwaiti Municipality (for building permits). While there reportedly is no official government "list" of recognized churches, seven Christian churches have at least some type of official recognition that enables them to operate openly. These seven churches have open "files" at the Ministry of Social Affairs and Labor, allowing them to bring in the pastors and staff necessary to run their churches. Further, by tradition three of the country's churches are recognized widely as enjoying full recognition by the Government and are allowed to operate compounds officially designated as churches: The Catholic Church (which includes two separate churches, the Roman Catholic and the Maronite), the Anglican Church, and the National Evangelical Protestant Church of Kuwait. The Roman Catholic Church faces problems of overcrowding at its two official church facilities. Its Cathedral in downtown Kuwait City regularly draws as many as 100,000 worshippers weekly, who attend more than 30 weekly services.

The other four churches reportedly are allowed to operate openly, hire employees, invite religious speakers, and conduct other such activities, all without interference from the Government; however, their compounds are, according to government records, registered only as private homes. Church officials themselves appear uncertain about the guidelines or procedures for recognition. Some have argued that these procedures are purposely kept vague by the Government so as to maintain the status quo. All other churches and religions have no legal status but are allowed to operate in private homes.

The procedures for the registration and licensing of religious groups also appear to be connected with government restrictions on NGO's, religious or otherwise. In 1993 all unlicensed organizations were ordered by the Council of Ministers to cease their activities. This order never has been enforced; however, since that time all but five applications by NGO's have been frozen (see Section 4). There were reports that in the last few years at least two groups have applied for permission to build their own churches, but the Government has not yet responded to their requests. In October the Government announced that all unlicensed branches of Islamic

charities would be closed by the end of November (see Sections 2.b. and 4). At the end of the year, the Government announced that it would close in 2002 any unlicensed charities that had not obtained licenses.

Shi'a are free to conduct their traditional forms of worship without government interference and the overall situation for Shi'a improved during the year. However, there still are complaints regarding the scarcity of sufficient Shi'a mosques and the Government's slowness or failure to grant approval for the construction of new Shi'a mosques as well as the repair of existing mosques. There are approximately 35 Shi'a mosques, serving the 30-40 percent Shi'a population in the country, compared to the 1,300 Sunni mosques. During the year, the Government began to address such concerns by licensing the construction of three new mosques. It also overturned a decision by the municipality of Kuwait to deny the government-approved construction of a mosque in the central Al-Qurain area.

In addition the Government took steps toward greater equality for Shi'a by instituting a separate appellate court to try Shi'a family law cases and by agreeing to establish an independent Shi'a charity authority comparable to Sunni Awqaf and nongovernmental entities (that formerly controlled all donations going to religious charities).

Shi'a leaders also have complained that Shi'a who aspire to serve as imams are forced to seek appropriate training and education abroad due to the lack of Shi'a jurisprudence courses at Kuwait University's College of Islamic Law, which only offers Sunni jurisprudence. However, to address this longstanding concern the Ministry of Education currently is reviewing an application to establish a private college to train Shi'a clerics within the country. Shi'a reportedly no longer express concern that certain pending proposed legislation within the National Assembly fails to take into account beliefs specific to the Shi'a.

The Roman Catholic, Anglican, National Evangelical, Greek Orthodox, Armenian Orthodox, Coptic Orthodox, and Greek Catholic Churches are able to operate freely on their compounds, holding worship services without government interference. The leaders of these churches state that the Government generally has been supportive of the churches' presence, even providing police security and traffic direction as needed. Other Christian denominations (including Mormons, Seventh Day Adventists, Marthoma, and Indian Orthodox), while not recognized legally, are allowed to operate in private homes or in the facilities of recognized churches. Members of these congregations have reported that they are able to worship without government interference, provided that they do not disturb their neighbors and do not violate laws regarding assembly and proselytizing.

Members of religions not sanctioned in the Koran, such as Hindus and Buddhists, may not build places of worship, but are allowed to worship privately in their homes without interference from the Government.

The Government prohibits missionaries from proselytizing to Muslims; however, they may serve non-Muslim congregations. The law prohibits organized religious education for religions other than Islam, although this law is not enforced rigidly. Informal religious instruction occurs inside private homes and on church compounds without government interference. However, there were reports that government "inspectors" periodically visit public and private schools outside of church compounds to ensure that no religious teaching other than Islam takes place.

The Government does not permit the establishment of non-Islamic publishing companies or training institutions for clergy. Nevertheless, several churches do publish religious materials for use solely by their congregations. Further, some churches, in the privacy of their compounds, provide informal instruction to individuals interested in joining the clergy.

A private company, the Book House Company Ltd., is permitted to import significant amounts of Bibles and other Christian religious material—including videotapes and compact discs—for use solely among the congregations of the country's recognized churches. The Book House Company is the only bookstore that has an import license to bring in such materials, which also must be approved by government censors. There have been reports of private citizens having non-Islamic religious materials confiscated by customs officials upon arrival at the airport.

Although there is a small community of Christian citizens, a law passed in 1980 prohibits the naturalization of non-Muslims. However, citizens who were Christians before 1980 (and children born to families of such citizens since that date), are allowed to transmit their citizenship to their children.

According to the law, a non-Muslim man must convert to Islam when he marries a Muslim woman if the wedding is to be legal in the country. The law forbids marriage between Muslim women and non-Muslim men (see Section 1.f.). A non-Muslim woman does not have to convert to Islam to marry a Muslim man, but it is to her advantage to do so. Failure to convert may mean that, should the couple later divorce, the Muslim father would be granted custody of children, even those very young who most likely would have been left in the

mother's custody if she were Muslim.

The law requires jail terms for journalists who ridicule religion (see Section 2.a.). However, there were no cases during the year of writers being threatened or charged with publishing opinions unmindful of Islamic norms. The last such cases concluded in March 2000, when an appeals court acquitted Alia Shuaib of writing books that were "blasphemous" and "obscene," and fined Laila Al-Othman \$3,000 (912 dinars) on similar charges.

The Vatican mission in the country was upgraded from charge d'affaires to Ambassadorial status in September. The Papal Nuncio resides in Kuwait City and also represents Vatican interests in the other Gulf States and Yemen. The Church views the Government's acquiescence to establishing relations with the Vatican as significant in terms of government tolerance of Christianity.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government places some limits on freedom of movement. Citizens have the right to travel freely within the country and to change their work place as desired. Unmarried women 21 years old and over are free to obtain a passport and travel abroad at any time. However, married women who apply for passports must obtain their husbands' signature on the application form. Once she has a passport, a married woman does not need her husband's permission to travel, but he may prevent her departure from the country by contacting the immigration authorities and placing a 24-hour travel ban on her. After this 24-hour period, a court order is required if the husband still wishes to prevent his wife from leaving the country. All minor children must have their father's permission to travel outside of the country. Citizens are free to emigrate and to return. Security forces in Kuwait City occasionally set up checkpoints at which they may detain individuals. The checkpoints are mainly for immigration purposes and are used to apprehend undocumented aliens.

The Government has the right to place a travel ban on any citizen or foreigner who has a legal case pending before the courts. Members of licensed NGO's must obtain government approval to attend international conferences as official representatives of the NGO (see Sections 2.b. and 4). The Government severely restricts the ability of its bidoon population to travel abroad (see Section 5).

The Government has abandoned its previous policy of limiting the presence of workers from nations whose leaders had supported Iraq in the Gulf War. In August the Interior Minister announced that there were no longer any special restrictions or permits required for Palestinian workers wishing to return to the country. At year's end, there were an estimated 35,000 Palestinians and Jordanians, and 4,000 Yemenis resident in Kuwait.

While the Government permits the ICRC to verify if deportees object to returning to their countries of origin, it detains those with objections until they either change their minds or make alternative arrangements to travel to a third country (see Section 1.d.).

There is no legislation governing refugees, asylees, or first asylum, and no clear standard procedure for processing a person's claim to be a refugee. The Constitution prohibits the extradition of political refugees. The Government states that it does not deport anyone who claims a fear of persecution in their home country, but it often keeps such persons in detention rather than grant them permission to live and work in the country (see Section 1.d.). There were no reports of forced return of persons to countries where they feared persecution. The U.N. High Commissioner for Refugees (UNHCR) maintains an office in the country and has access to refugees in detention. The Government does not provide first asylum and the issue of the provision of first asylum did not arise during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. Under the Constitution the National Assembly has a limited role in approving the Amir's choice of Crown Prince (that is, the future Amir). If the Assembly rejects the Amir's nominee, the Amir then submits three names from which the Assembly must choose the new Crown Prince. There is no universal suffrage; only about 14.8 percent of citizens have the right to vote. Women, and citizens naturalized for less than 20 years, may not vote or seek election to the National Assembly. Members of the armed forces, police, and other uniformed personnel of the Ministry of Interior are prohibited from voting or seeking election to the National Assembly.

Under the Constitution, the Amir holds executive power and shares legislative power with the National Assembly. The Prime Minister is appointed by the Amir and presides over a 16-member cabinet, which he chooses in consultation with the Amir. In accordance with the practice of the ruling family (but not specifically

the Constitution), the Prime Minister always has been the Crown Prince. The Constitution empowers the Amir to suspend its provisions and to rule by decree. The Amir suspended constitutional provisions and dissolved the National Assembly from 1976-81, and in 1986 the Amir effectively dissolved the Assembly by suspending the constitutional provisions on the Assembly's election. The Assembly remained dissolved until 1992, when elections were held. Since 1992 the constitutional provisions with respect to the Assembly have been observed. The Constitution provides that cabinet members sit in the National Assembly and may vote on legislation.

There are 50 elected National Assembly members. Members serve 4-year terms, and National Assembly elections have been held on schedule since 1992. The Government bans political parties. Nonetheless, several well organized although unofficial blocs, acting much as political parties, exist and are active in the National Assembly. The Government acknowledges and, at times, works with these blocs, which are organized on the basis of common ideological goals. Most political blocs joined to form coalitions during the year. The coalitions issued platforms and expressed an intention to run together in the next elections. Several called for formal recognition as political parties, although the Government indicated that it was not prepared to acknowledge them as such. Because of the ban on political parties, Assembly candidates must nominate themselves.

The Constitution empowers the National Assembly to overturn any Amiri decrees made during its dissolution, and the Assembly has done so in some cases. During its first session of 1999, the National Assembly rejected 35 of 60 Amiri decrees issued during the dissolution of the Assembly, including the decree providing for women's political rights. The Assembly extensively amended many Amiri proposals in 2000 and during the year.

In May 1999, the Amir dissolved the National Assembly in response to the political gridlock that developed between Parliament and the Government. Elections were held 2 months later as specified in the Constitution.

The 1999 election campaign generally was free and fair; however, there were some problems. Five parliamentary candidates were arrested and charged with slander against the Government. Four of those arrested received nominal fines, had their cases postponed, or were acquitted. While the candidates were not required to withdraw from the election, the fifth candidate withdrew, subsequently was convicted of the charges, and was sentenced to 6 months in prison. The sentence was not carried out (see Sections 1.d. and 2.a.).

In December 2000, a by-election was held to fill the seat of a deceased Assembly member. The election campaign was considered generally free and fair; however, there were some allegations of vote-buying.

In February the Cabinet resigned after a number of its members were scheduled for intense formal questioning by the National Assembly. At the request of the Amir, the Prime Minister formed a new government that included changes in key ministerial positions.

In October various Assembly members proposed formal questioning of four Ministers. In the most serious case, the Minister of Oil was accused of being an agent for a foreign petroleum company because his wife was allegedly on the company's payroll. Liberal Assembly members complained that Islamists were using the threat of formal questioning to change government policy on specific issues, such as regulation of Islamic charities and gender segregation.

Charges filed against several hundred citizens in the Government's attempt to enforce the ban on tribal primaries during the July 1999 elections never were brought to trial. During its fall 2000 session, the National Assembly declined to lift the parliamentary immunity of the two newly elected members the Public Prosecutor had sought to charge with violating the ban on tribal primaries. The case subsequently was abandoned, and no further action was taken during the year.

The percentage of women and minorities in government and politics does not correspond to their percentage of the population. Women have little opportunity to influence government. A May 1999 Amiri decree gave women the right to vote, to seek election to the National Assembly beginning with the National Assembly election scheduled for 2003, and to hold cabinet office. However, in November 1999, the Parliament vetoed the Amir's May decree, based in part on the Amir having bypassed the Assembly by introducing the change while the Assembly was not in session and in part on traditionalist resistance to women's suffrage. Shortly thereafter members of the Assembly introduced identical legislation, but it also was defeated. No new legislation has been introduced by either the Government or by Assembly members. In June a poll of Kuwait University students showed that 84 percent of female students and 65 percent of male students favor women's suffrage. Women do hold some relatively senior nonpolitical positions within some ministries.

Members of the Shi'a minority are underrepresented in high government positions. There is only one Shi'a member of the Cabinet, the Minister of Commerce. Of 50 National Assembly members, 6 are Shi'a, as is the armed forces chief of staff.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government continued its practice of preventing the establishment of new local human rights groups by not approving their requests for licenses (see Section 2.b.). Since 1985 the Government has issued only five licenses. The Government has refused other license requests on the grounds that previously established NGO's already provide services similar to those proposed by the petitions. Members of licensed NGO's must obtain permission from the Government to attend international conferences as official representatives of the NGO; however, there were no cases of NGO's being restricted from attending any conference during the year (see Sections 2.b. and 2.d.).

The Government has not shut down any unlicensed NGO's since it announced a crackdown in 1999 that ended in early 2000. In August the Government began prohibiting public collection boxes for unlicensed Islamic charities in law enforcement efforts against persons fraudulently misrepresenting themselves as charity groups; in October the Government stated that it would soon close unlicensed charities. At year's end, the Government announced that it would close all unlicensed charities in 2002 (see Sections 2.b. and 2.c.).

The Government permits international human rights organizations to visit the country and to establish offices. Several organizations conduct fieldwork and report excellent communication with and reasonable cooperation from the Government. For example, Amnesty International and Human Rights Watch regularly exchange information with the Government either directly or through the Arab Human Rights Organization.

The Government has cooperated fully in the work of the U.N. Special Rapporteurs for Iran and Iraq and the high-level representative of the Secretary General on the issue of Kuwaitis missing in Iraq since the end of the Gulf War. In 2000 the Government submitted its first periodic report on the implementation of the International Covenant on Civil and Political Rights.

The Government cooperated closely with the International Labor Organization (ILO), which sent two senior officials in November to advise Kuwait on how to improve its labor situation. At the ILO's urging, the Government agreed to ratify the remaining two of eight conventions from the ILO's Declaration of Basic Rights at Work.

The National Assembly has an active Human Rights Committee, which takes testimony from individuals regarding abuses, investigates conditions in prisons and nursing homes, and makes nonbinding recommendations for redress. Despite its designation as an advisory body, the Human Rights Committee has shown that, in practice, it is able to mobilize government agencies to address egregious human rights problems. In July the committee announced that it would publish an annual report on human rights in the country.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, national origin, language, or religion. However, many laws and regulations discriminate against women and noncitizens, who face widespread social, economic, and legal discrimination.

Women

Violence against women is a problem. According to some local experts, domestic abuse of women occurs in an estimated 15 percent of all marriages. Each of the country's 50 police stations reportedly receives on average 1 to 2 complaints of spousal abuse each week, although this may be understated. Of the complaints received, approximately 60 percent involve spousal abuse of noncitizen women. The police and the courts generally seek to resolve family disputes informally and may ask the offending spouse to sign a statement affirming that he agrees to end the abuse. The police refer serious cases to the Psychiatric Department at the Ministry of Health. The courts have found husbands guilty of spousal abuse. The prevalence of spousal abuse is uncertain, due mainly to the reluctance of women to report it. There are no legally mandated restrictions on dress for women.

Rape and sexual assault remain serious problems, particularly for foreign domestic servants or unskilled workers. The police occasionally arrested rapists who held their victims for a period of days, raping them

repeatedly. Several cases of rape involved the culprits impersonating police or security officers and luring women to isolated areas on the pretext of arresting them. In September the Court of Cassation affirmed the 15-year sentence of a man convicted of a crime of this nature. There is no specific article in the Penal Code addressing spousal rape, but the courts can find a husband guilty of abuse, depending on the circumstances of the case and the damages sustained by his wife.

Some employers physically abuse foreign women working as domestic servants, and, despite economic and social difficulties for a domestic servant who lodges a complaint, there are continuing reports of the rape of such women by male employers and male coworkers. The local press devotes considerable attention to the problem, and both the police and the courts have taken action against employers when presented with evidence of serious abuse. Some rapes resulted in unwanted pregnancies. There were reports of domestic servants killing soon after birth children that were fathered by employers. Occasionally domestic workers were charged with assaulting their employers; in such cases, the workers claimed that they acted in response to physical abuse or poor working conditions. There were also dozens of reports of domestic workers committing or attempting to commit suicide because of desperation over poor working conditions. In general these involved hanging or jumping from windows; in September an Asian maid reportedly attempted suicide by lighting herself on fire. In November an Asian maid committed suicide by burning herself to death.

Foreign-born domestic employees have the right to sue their employers for abuse, but few do so fearing judicial bias and deportation. In 2000 the Government reduced the operations of a specialized police facility designated to investigate complaints and provide some shelter for runaway maids; this resulted in a further deterioration of conditions for domestic employees (see Sections 6.c. and 6.e.). The operations of this facility remained limited.

In 2000 a Sri Lankan maid was beaten severely with a plastic water pipe, strangled with a wire, and repeatedly tortured with a hot iron, allegedly by a Kuwaiti couple who employed her. She had worked for this family for over a year, during which time she reported that her employers did not feed her regularly and withheld her salary. The maid suffered permanent damage to her face, neck, ears, and arms. In December, the Kuwaiti woman was sentenced to seven years in jail and began serving her sentence at year's end, while the other family members were acquitted.

In August the criminal court postponed hearing the case of an Indonesian domestic worker who was beaten to death with a vacuum cleaner by her female employer. The entire family admitted to regularly beating her with hard objects for several months. The Kuwaiti woman was being held in prison without bail at year's end.

The employers who beat to death their Sri Lankan maid in August 1999 remained in jail awaiting trial at year's end. There were no new developments in the cases of an Indian maid beaten to death by her employer in 1999, and the kidnap, rape, torture, and beating of a group of four domestic workers allegedly by state security employees in June 2000.

In cases in which individuals were convicted of attacking their employees, sentences varied. In July the court issued a sentence of 10 years to a man convicted of beating his maid to death in August 1999; his teenage son was placed in detention for an unspecified period as a juvenile accomplice. In September the courts sentenced one noncitizen to deportation for life for raping a housemaid, while another noncitizen was sentenced to 7 years imprisonment, to be followed by deportation, after beating his Asian maid and then locking her in a room to starve her until she would have sex with him. In October the court threw out a case of a runaway maid who was reportedly picked up by two rapists and held for 4 days, because she did not cry for help or attempt to escape when left alone by the alleged rapists.

Runaway servants, including many women alleging physical or sexual abuse, often seek shelter at their country's embassy for repatriation or a change in employers (see Sections 6.c. and 6.e.). At any given time, nearly 1,000 women are reported to be in Embassy shelters.

Unemployed, runaway foreign domestic workers are susceptible to recruitment into prostitution. The police actively enforce laws against pandering and prostitution, with arrests reported almost every week. Police carried out large-scale anti-prostitution sweeps in Kuwait City and its suburbs in January, March, and October, arresting hundreds of procurers and prostitutes. Prostitutes generally are deported to their countries of origin. Procurers often receive stiff jail terms. In August an Asian man who established a brothel was sentenced to 13 years' imprisonment. There were two reports during the year of procurers kidnaping maids off the street and forcing them into prostitution. In both cases, police investigated missing persons reports filed by employers and made arrests.

"Honor" crimes occur very infrequently; there is no provision in the Criminal Code that allows for leniency in such cases.

Women continue to experience legal and social discrimination. Women are denied the right to vote (see Section 3). Their testimony is not given equal weight to that of men in the family courts (see Section 1.e.). Married women require their husbands' permission to obtain a passport (see Section 2.d.). By law only men are able to confer citizenship; therefore, children born to citizen mothers and stateless fathers are themselves stateless. The Government forbids marriage between Muslim women and non-Muslim men (see Sections 1.f. and 2.c.). Inheritance is governed by Islamic law, which differs according to the branch of Islam. In the absence of a direct male heir, Shi'a women may inherit all property, while Sunni women inherit only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased.

As in previous years, women's rights activists brought cases (five during the year) asking the courts to order that they be allowed to register to vote. Several of the cases were turned down on procedural grounds; the two that remained active at year's end repeatedly had faced temporary adjournments. Both remaining sets of plaintiffs stated that their goal was for the Constitutional Court to rule that the current election law was unconstitutional. The activists claimed that the two remaining cases are not vulnerable to the technicalities that caused previous suits to be dismissed.

Women traditionally are restrained from choosing certain roles in society, and the law restricts women from working in "dangerous industries" and trades "harmful" to health. However, almost all citizens work for the state in office jobs, and women are allowed into most areas of the bureaucracy, including oil well firefighting units. Educated women maintain that the conservative nature of society limits career opportunities. Nonetheless an estimated 33 percent of women of working age are employed. The law provides for "remuneration equal to that of a man provided she does the same work." This provision is respected in practice. Women work as doctors, engineers, lawyers, bankers, and professors. A few have been appointed to senior positions in the Ministry of Education, the Ministry of Planning, and the state-owned Kuwaiti Petroleum Corporation. There is one female ambassador and there are two female undersecretaries; however, there are no female judges or prosecutors.

There is no specific law that addresses "sexual harassment"; however, it is not reported to be a widespread problem. Individuals who believe they are being harassed may file complaints that could result in administrative or criminal measures being taken against the harasser.

In cases of divorce, the Government makes family entitlement payments to the divorced husband, who is expected by law and custom to provide for his children even though custody of minor children usually is given to the mother. The law discriminates against women married to foreign men. Such women are not entitled to government housing subsidies, which are available to male citizens. The law also requires women to pay residence fees for their husbands and does not recognize marriage as the basis for granting residency to foreign-born husbands. Instead the law grants residency only if the husband is employed. By contrast male citizens married to foreign-born women do not have to pay residency fees for their spouses, and their spouses' right to residency derives from marriage. In September a group of divorced women announced plans to form an NGO. The group would counsel divorced women, educate them regarding their rights, and help ensure that former husbands were meeting their legal obligations.

Despite a legal requirement to segregate Kuwait University by gender by July 31, classrooms remained largely coeducational. However, men and women practiced voluntary self-segregation, either by members of each gender sitting on opposite sides of a given classroom or by one gender choosing not to enroll in a given course. In July Islamist parliamentarians indicated that they would subject the Education Minister to formal questioning over the failure of the University to meet the deadline. Leading the call for questioning were Assembly members who voted for the law in 1996.

In October the Minister of Education submitted a report on measures already taken and future plans for gender segregation. He claimed that cafeterias and hundreds of freshman and sophomore classes already had been segregated, but unless additional funds become available, it would be impossible to proceed with plans for new buildings and a new Women's College. The Minister estimated the total cost of gender segregation at approximately \$1.8 billion.

Polygyny is legal. It is more common among tribal elements of the population. A husband is obliged to inform his first wife that he is taking a second wife. The husband is obligated to provide the first wife a separate household if that is her preference. A first wife who objects to a second marriage may request a divorce, but the court's determination of divorce and child custody must be made on grounds other than the fact of the second marriage itself.

There are several women's organizations that follow women's issues, among the most active of which are the Women's Cultural and Social Society (WCSS) and the Women's Affairs Committee.

Children

The Government is committed to the welfare of children. Citizen boys and girls receive a free education, which extends through the university level, including advanced degrees. The Government provides free health care and a variety of other services to citizen children; noncitizen children must pay a small fee to be admitted into a health facility and additional fees for specialized care. Citizen parents also receive a monthly government allowance for each child.

The marriage of girls under the age of 17 is uncommon among the urban population but remains a practice of the Bedouins in outlying areas. There are credible reports of South Asian and Southeast Asian girls working as domestic servants (see Section 6.d.).

There is no societal pattern of abuse of children. There were cases of male youths, some as young as 6 years old, raped by men or gangs of other male youths.

Young boys are used as camel jockeys (see Sections 6.c., and 6.d.).

Persons with Disabilities

There is no institutionalized discrimination against persons with disabilities in employment, education, or in the provision of state services. Legislation passed by the National Assembly in 1996 mandated accessibility for persons with disabilities to all public facilities, and provides an affirmative action employment program for persons with disabilities. However, this law has not been implemented fully. The law prohibits discrimination against persons with disabilities and imposes penalties against employers who refrain from hiring persons with disabilities without reasonable cause. The Government pays extensive stipends to persons with disabilities, which cover transportation, housing, job training, and social welfare.

In October the Government announced a biannual \$500,000 prize for research to aid persons with special needs to be administered in conjunction with the U.N. Economic, Social, and Cultural Organization (UNESCO).

Religious Minorities

The Government discriminates in some instances against the Shi'a minority. They have been disadvantaged in provision of mosques and in access to religious education. The Shi'a are underrepresented in high government positions.

While some discrimination based on religion reportedly occurs on a personal level, most observers agree that it is not widespread. There is a perception among some domestic employees and other members of the unskilled labor force, particularly nationals of Southeast Asian countries, that they would receive better treatment from employers as well as society as a whole if they converted to Islam. However, others do not see conversion to Islam as a factor in this regard.

National/Racial/Ethnic Minorities

The plight of the 80,000 bidoon remains a significant problem, and the Government continues to address the issue. The bidoon (a term meaning "without") are Arabs who have residency ties to Kuwait--some going back for generations, some for briefer periods--but who have no documentation of their nationality. The bidoon have been the objects of harsh government policy since the mid-1980's. Since 1985 the Government has eliminated the bidoon from the census rolls, discontinued their access to government jobs and free education, and sought to deport many. In 1993 the Government decreed that bidoon males no longer would be allowed to serve in the military; however, in July the Minister of Defense suspended action to force bidoon to resign from the Army. The Government has denied bidoon official documents such as birth certificates, marriage certificates, civil identification, and drivers' licenses, which has made it difficult for many unregistered bidoon, particularly young bidoon, to find employment. Bidoon pay more for medical care than citizens do, although less than third-country residents. The Government does not issue travel documents to bidoon routinely, and if bidoon travel abroad without documentation, they risk being barred from returning to the country unless they receive advance permission from the immigration authorities. Marriages pose special hardships because the offspring of male bidoon inherit the father's undetermined legal status.

A law passed in June 2000 required bidoon to register by June 27, 2000 to begin a process in which they could be documented as citizens. The law provides that bidoon who are able to prove sufficient ties to the country (that is, their presence, or the presence of their forebears, in the country prior to 1965) are eligible to apply for citizenship directly. The Government currently has 80,000 bidoon cases on file. Of these, 44,000 officially have registered as bidoon and may be naturalized directly from bidoon status, if they are able to prove Kuwaiti nationality. (Approximately 36,000 of this group of 44,000 registered during a 1965 census or are descendents

of those who registered in 1965; the other 8,000 registered in June 2000.) The Government considers the remaining 36,000 of the overall 80,000 to be illegal aliens; they still may apply for Kuwaiti nationality, but first must adopt some third-country citizenship. However, the Government maintains that at least 40 to 50 percent of the total of 80,000 bidoon are concealing their true identities. While the law allows up to 2,000 registered bidoon to be naturalized each year, the Government only granted citizenship to 500 to 600 during the year. However, an additional 6,900 bidoon in 3 categories--wives of citizens, sons of Kuwaiti women married to bidoon, and those whose male relatives are citizens--have been permitted to apply for citizenship beyond the 2,000 per year limit.

The Government has not clearly stated what will happen to bidoon unable to provide documentation proving sufficient ties. An Executive Committee in Charge of the Bidoon under the Ministry of Interior has been designated to resolve the issue. The Government had stated that those who did not register by the June 27, 2000 shut-off date and who do not rectify their status will be subject to deportation as illegal residents; however, no such action was taken during the year. There were no reports during the year that the Government decided the nationality of any bidoon without a hearing. As a result of what it claimed were fraudulent claims, the Government brought forgery charges against dozens of bidoon applicants for naturalization. There was only one forgery conviction, by year's end.

Since July 2000, when the new law went into effect, 39,000 bidoon have been documented as citizens of other countries. Most have admitted to Saudi or Syrian origin. Once documented, bidoon are able to obtain residency permits and other official papers. However, there also are credible reports of government authorities encouraging bidoon to purchase counterfeit passports in order to establish a claim to an alternate nationality. For example, during the first half of the year, 600 bidoon reportedly received Liberian citizenship and passports in return for a \$5000 fee paid to the Liberian Government. Purchasing a fraudulent passport allows bidoon to receive a residency permit and other civil documents, to marry, and to work. However, bidoon have difficulty obtaining visas to travel abroad on these passports, as they easily are detected as fraudulent, and they may have difficulty renewing these passports when they expire. Under the law, bidoon who admit to another nationality (or who purchase a passport from a country to which they have no true connection) do not automatically forfeit their claim to citizenship based on Kuwaiti residency prior to 1965. However, the law does not permit dual nationality; thus, if former bidoon eventually are naturalized, they must renounce their original or fictitious nationality.

There were no reports during the year that the Government enforced the policy of prior years limiting the presence of workers from nations whose leaders had supported Iraq in the Gulf War, especially Palestinians, Jordanians, and Yemenis. In August the Interior Minister announced that there were no longer any special restrictions or permits required for Palestinian workers wishing to return to the country. In the fall, the Government instituted a program to recruit Palestinian teachers and university professors to work in the country.

Section 6 Worker Rights

a. The Right of Association

Workers have the right to join unions. Nonetheless, the Government restricts the right of freedom of association by stipulating that there be only one union per occupational trade, and that unions may establish only one federation. The International Labor Organization (ILO) long has criticized such restrictions.

Approximately 52,000 persons, less than 5 percent of a total work force of 1.2 million, are organized into 15 unions, 13 of which are affiliated with the Kuwait Trade Union Federation (KTUF), the sole legal trade union federation. The Bank Workers Union and the Kuwait Airways Workers Union, consisting of approximately 4,500 workers, are independent of the KTUF. The law stipulates that any new union must include at least 100 workers, of whom at least 15 must be citizens. Both the ILO and the International Confederation of Free Trade Unions (ICFTU) have criticized this requirement because it discourages unions in sectors that employ few citizens, such as the construction industry and the domestic servant sector; only 7 percent of employed citizens work in the private sector. Despite past draft proposals under consideration for more than 10 years, and KTUF complaints, no new labor law was enacted during the year.

The new draft Labor Law was submitted in November to the Council of Ministers. At year's end, it was waiting to be passed on to the National Assembly for approval, which was expected to take place in early 2002.

The Government's pervasive oversight powers further erode union independence. The Government subsidizes as much as 90 percent of most union budgets and may inspect the financial records of any union. The ILO has criticized the legal prohibition on any union from engaging in political or religious activities, which are vaguely defined. The law empowers the courts to dissolve any union for violating labor laws or for threatening "public

order and morals," although such a court decision may be appealed. The Amir also may dissolve a union by decree. By law the Ministry of Social Affairs and Labor is authorized to seize the assets of any dissolved union. The ILO has criticized this aspect of the law. Although no union has been dissolved, the law subordinates the legal existence of the unions to the power of the State.

According to June government statistics, 975,961 foreigners were employed in the country. They constituted over 80 percent of the work force but only 10 percent of the unionized work force. The Labor Law discriminates against foreign workers by denying them voting rights and by permitting them to join unions only after 5 years of residence, although the KTUF states that this requirement is not enforced. The KTUF administers an Expatriate Labor Office, which is authorized to investigate complaints of foreign laborers and provide them with free legal advice. Any foreign worker covered under the Labor Law, which excludes domestic servants, may submit a grievance to the Labor Office regardless of union status. However, such services are not utilized widely.

In November two senior members of the ILO Secretariat advised the Government on how to improve its labor situation. At the ILO's urging, the Government agreed to ratify the remaining two of eight conventions from the ILO's Declaration of Basic Rights at Work. In addition to other areas of ongoing concern, the ILO officials also pointed to problem areas where the Government could make improvements, including the low wages and widespread abuse of domestic servants and the lack of a minimum wage for workers, who must pay health, education, and other fees to the Government. The ILO officials commended the Government for progress in increased freedoms for existing trade unions and improved rights for workers, such as sick leave and end-of-service benefits.

The law limits the right to strike. It requires that all labor disputes must be referred to compulsory arbitration if labor and management are unable to reach a solution (see Section 6.b.). The law does not contain any provision ensuring strikers freedom from legal or administrative action taken against them by the State. However, the Ministry of Labor and Social Affairs has proved responsive to sit-ins or protests by workers who face obvious wrongdoing by their employers.

In September 300 foreign workers staged a one-day work stoppage at a fast food restaurant chain, complaining that they had not been paid for nearly 9 months. The workers filed a complaint with the Ministry of Social Affairs and received prominent coverage in the local press.

Unions may affiliate with international bodies. The KTUF belongs to the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

Workers have the right to organize and bargain collectively, subject to certain restrictions (see Section 6.a.). These rights have been incorporated in the Labor Law and, according to all reports, have been respected in practice.

The Labor Law provides for direct negotiations between employers and "laborers or their representatives" in the private sector. Most agreements are resolved in such negotiations; if not, either party may petition the Ministry of Social Affairs and Labor for mediation. If mediation fails, the dispute is referred to a labor arbitration board, which is composed of officials from the High Court of Appeals, the Attorney General's office, and the Ministry of Social Affairs and Labor.

The Civil Service Law makes no provision for collective bargaining between government workers and their employer. Technically, wages and conditions of employment for civil service workers are established by the Government, but in practice, the Government sets the benefit scales after conducting informal meetings with officials from the civil service unions. Union officials resolve most issues at the working level and have regular access to senior officials.

The Labor Law prohibits antiunion discrimination. Any worker who alleges antiunion discrimination has the right to appeal to the judiciary. There were no reports of discrimination against employees based on their affiliation with a union. Employers found guilty of antiunion discrimination must reinstate workers fired for union activities.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor "except in cases specified by law for national emergency and with just remuneration"; however, many unskilled foreign workers are treated like indentured servants (see Section 6.e.). The Constitution prohibits forced and bonded labor by children. However, there are reports of young boys being used as camel jockeys, as well as girls working as domestic servants (see Section 6.d.).

Foreign workers generally may not change their employment without permission from their original sponsors unless they have been in the country for over 2 years. However, in August the Government imposed a 3-month moratorium that temporarily waived restrictions on laborers and domestic workers, allowing them to transfer their residency sponsorships to new employers without penalty. Domestic workers particularly are vulnerable to abuses stemming from restrictions on transferring sponsorship because the Labor Law does not protect them. In many cases employers exercise control over their servants by withholding their passports, although the Government prohibits this practice and in some instances has acted to retrieve the passports of maids involved in disputes.

Some foreign workers, especially unskilled or semiskilled South Asian workers, live and work much like indentured servants. They frequently face poor working conditions and may encounter physical abuse (see Sections 5 and 6.e.). Domestic servants who run away from their employers may be treated as criminals under the law. However, the authorities usually do not enforce this provision. In some reported cases, employers illegally withheld wages from domestic servants to cover the costs involved in bringing them to the country.

There also are credible reports of widespread visa trading, a system by which sponsors agree to extend their sponsorship to workers outside of the country in exchange for a fee of \$1,500 to \$4,000. Middlemen, generally foreigners, use the promise of Kuwaiti sponsorship to attract workers from economically depressed countries, taking a commission and remitting the rest to the nominal sponsor. Once in the country, such workers are passed on to employers in the informal sector or find employment with parties that would otherwise be unable to sponsor them. Foreign workers who are recruited with these traded visas not only face possible prosecution for being engaged in illegal employment (that is, working for an employer other than their sponsor), but also leave themselves extremely vulnerable to extortion by employers, sponsors, and middlemen. Visa trading has resulted in growing numbers of unemployed foreign workers who buy visas to enter the country and then are unable to find work. Government efforts to crack down on visa trading; such as by closing front companies for visa traders, have not made significant progress. There are laws aimed at curbing visa trading, with penalties against both employers and visa traders, but the laws seldom are enforced. In June the Director General of the Immigration Department was suspended for signing 50 blank work residence permits, some of which subsequently were sold by visa traders. He was cleared after a 2-month investigation failed to show any evidence of criminal wrongdoing, but has been criticized for inadequate internal controls, which make visa trading possible.

For over 10 years, the ILO has criticized a 1979 legislative decree that requires prior authorization for public meetings and gatherings, and provides for a penalty of imprisonment including an obligation to work in a vocation of the prisoner's choosing within the prison system. The ILO also is critical of a 1980 legislative decree respecting security, order, and discipline aboard ships, breaches of which also may be punished by imprisonment with an obligation to work.

There were reports of young boys being used as camel jockeys (see Sections 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age is 18 years for all forms of work, both full- and part-time. Employers may obtain permits from the Ministry of Social Affairs and Labor to employ juveniles between the ages of 14 and 18 in certain trades. Juveniles may work a maximum of 6 hours a day on the condition that they work no more than 4 consecutive hours followed by a 1-hour rest period.

Article 42 of the Constitution prohibits forced labor, including forced or bonded labor by children. In addition, the Labor Law prohibits child labor, forced or compulsory labor, and exploitation of workers. The Government has ratified 14 ILO conventions, including the conventions prohibiting servitude and forced labor, and its Labor Law enforces these conventions. Child labor is rare in the country. Some South Asian and Southeast Asian domestic servants are under age 18. Such underage workers reportedly falsify their ages in order to enter the country. There were reports of young boys being used as camel jockeys (see Sections 5 and 6.c.). Some small businessmen employ their children on a part-time basis.

e. Acceptable Conditions of Work

The Ministry of Social Affairs and Labor is responsible for enforcing all labor laws. An informal two-tiered labor

market ensures high wages for citizen employees, most of whom are in government white collar or executive positions, while foreign workers, even those in skilled positions, receive substantially lower wages. In June the visiting Bangladeshi Foreign Minister reported that the Bangladeshi domestic workers earn as little as \$70 per month. There is no legal minimum wage in the private sector. In the public sector, the monthly minimum wage is approximately \$742 (226 dinars) for citizens and approximately \$296 (90 dinars) for noncitizens. However, noncitizens do not receive the same social benefits as citizens and must pay fees for education and health care, which are provided free for all citizens. Private sector wages range from as much as \$10,000 (3,000 dinars) each month for top managers of large companies to between \$500 to \$2500 (150 to 800 dinars) for other skilled professionals and nonskilled workers. The public sector minimum wage provides a decent standard of living for a worker and family. Wages of unskilled workers in the private sector do not always provide a decent standard of living, with housemaids often making less than \$145 (45 dinars) per month. To be eligible to sponsor family members for residency, government and private sector workers must receive a minimum wage of \$1,300 (400 dinars) per month; for private sector workers, this represents a reduction of almost 40 percent from 2000, and is designed to encourage more foreign workers to bring their families to the country.

The Labor Law establishes general conditions of work for the private sector, with the oil industry treated separately. The Civil Service Law also prescribes additional conditions for the public sector, which consists almost entirely of citizen workers. The Labor Law limits the standard work week to 48 hours with 1 full day of rest per week, provides for a minimum of 14 workdays of leave each year, and establishes a compensation schedule for industrial accidents. In July the Government initiated a new program of unemployment allowances for citizen graduates who are unable to find jobs in the public sector or with private companies, providing regular payments until such positions are found. Domestic servants, who specifically are excluded from the Labor Law, frequently work long hours, greatly in excess of 48 hours.

The ILO has urged the Government to extend the weekly 24-consecutive-hour rest period to temporary workers employed for a period of less than 6 months and workers in enterprises employing fewer than five persons. The law pertaining to the oil industry provides for a 40-hour workweek, 30 days of annual leave, and sick leave. Laws establishing work conditions are not applied uniformly to foreign workers.

The Government has issued occupational health and safety standards; however, compliance and enforcement appear poor, especially with respect to unskilled foreign laborers. To decrease accident rates, the Government periodically inspects installations to raise awareness among workers and employers, and to ensure that they abide by the safety rules, control the pollution resulting from certain dangerous industries, train workers who use new machines in specialized institutes, and report violations. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and legal protection exists for both citizen and foreign workers who file complaints about such conditions. However, the Government never has devoted sufficient attention to worker safety issues, which has resulted in poor training of inspectors, inadequate injury reports, and no link between insurance payments and accident reports.

While the law mandates that all outdoor work stop in the event that the temperature rises above 122 degrees Fahrenheit, there have been allegations that Government's meteorological division falsifies official readings to allow work to proceed; the Meteorological Division consistently has denied these allegations. In August the official temperature was reported above 122 degrees Fahrenheit on several occasions, but work reportedly continued at many outdoor locations. At the Ahmadi Port refinery, work continued in intense heat despite the collapse of three workers. Refinery shift supervisors reportedly asked for postponement of outdoor activities until the evening, but management refused their request.

Employers often exploit workers' willingness to accept substandard conditions. Some foreign workers, especially unskilled or semiskilled South Asian workers, live and work much like indentured servants, are unaware of their legal rights, and generally lack the means to pursue a legal remedy. They frequently face contractual disputes and poor working conditions, and may face physical and sexual abuse (see Sections 5 and 6.c.). Most are in debt to their employers before they arrive in the country and have little choice but to accept the employer's conditions, even if they breach the contractual terms. It is not uncommon for wages to be withheld for a period of months, or to be decreased substantially. Many foreign workers are forced to live in "housing camps," which generally are overcrowded and lack adequate cooking and bathroom facilities. Workers are housed 10 or more to a room in squalid conditions, many without access to adequate running water. The workers are only allowed off the camp compound on company transport or by permission of the employer. Foreign workers' ability to change their employment is limited, and, in some cases, employers' possession of foreign workers' passports allows them to exercise control over such employees (see Section 6.c.). Many foreign workers go heavily into debt and cannot afford to return home.

The Labor Law discriminates against foreign workers by limiting their ability to join unions (see Section 6.a.). The KTUF administers an Expatriate Labor Office, which is authorized to investigate complaints of foreign laborers and provide them with free legal advice. However, these services are not utilized widely. Any foreign

worker may submit a grievance to the labor office regardless of union status.

The Labor Law provides for employer-provided medical care and compensation to both citizen and foreign workers disabled by injury or disease due to job-related causes. Once a worker files a claim, the courts decide the amount of compensation, which is paid in one lump sum rather than monthly payments. Workers, especially foreigners, have had difficulty enforcing such decisions. The law also requires that employers provide periodic medical examinations to workers exposed to environmental hazards on the job, such as chemicals and asbestos. Foreigners must pay high fees for medical care, both yearly and each time medical care is provided. Many employers deduct the medical fees from employees' salaries. Adequate and affordable health care remains a problem for many foreign workers. No health insurance system exists.

Domestic servants are not covered under the Labor Law. Those who flee their employers may be treated as criminals, although the authorities usually do not prosecute them. The 3-month moratorium, which began in August and lasted until November, lifted restrictions on transfer of sponsorship, allowing domestic workers to leave unsuitable employers (see Section 6.c.). In some reported cases, employers illegally withheld wages from domestic servants to cover the costs involved in bringing them to the country. It is also a common practice for employers illegally to withhold their passports. Maids pay the same amount or more than unskilled or semi-skilled workers for visas to work in the country.

Runaway servants often seek shelter at their country's embassy for either repatriation or assistance in dealing with employers. The numbers of servants in need of assistance remained high during the year as conditions for domestic employees remained poor. Some embassies house runaway servants: The Sri Lankan Embassy has approximately 500 nationals in its care, the Indian Embassy 25, the Philippine Embassy 300, the Indonesian Embassy 100, and the Bangladeshi Embassy 40. The total of 965 represents a decrease of 335 from last year, although embassies report that the numbers of domestic servants seeking assistance each month have not diminished; rather, the embassies have reduced the number of persons sheltered in their facilities by expediting repatriation.

Although most such workers sought shelter due to contractual or financial problems with their employers, some women also alleged physical and sexual abuse. The Sri Lankan, Indian, and Philippine Embassies all continue to report the steady occurrence of physical abuse and mistreatment involving domestic servants, including withheld salaries, overwork, and not being fed regularly or enough. Each government has attempted to register its nationals who arrive to work in the country as domestic employees and to regulate recruiting agents in their home countries, without much success. Limited services provided by the police facility designated to mediate between embassies, domestic workers, and employers made it very difficult for domestic servants to file complaints, receive withheld salary, or reach settlement in cases of mistreatment. Domestic servants must now deal with neighborhood police stations, whose personnel are untrained and inexperienced in handling their cases and often side with the employer (see Sections 5 and 6.c.).

Some countries either have warned their female citizens about such work conditions or banned them altogether from working in the country as domestic servants. The Government of India officially banned its nationals from working in Kuwait as domestic employees, but Indian nationals still buy visas and enter the country as domestic workers. In 2000 the Egyptian Foreign Minister warned women seeking employment in all Persian Gulf countries to "exercise caution" and to avoid being forced into illegal activities. In June the Bangladeshi Government lifted its ban on domestic servants coming to Kuwait.

There are also credible reports of widespread visa trading, a system by which sponsors agree to extend their sponsorship to workers outside of the country in exchange for a fee of \$1,500 to \$4,000 (see Section 6.c.).

The courts find in favor of employees in an estimated 90 percent of the labor disputes they hear, but this success did not result in improved conditions for foreign workers. No legal mechanism exists for foreign workers to enforce settlements. There is no compulsion for employers to obey court rulings, and workers often did not receive court-ordered compensation. Employers also reportedly use illegal methods to pressure foreign employees to drop cases against them; such as by withholding their passports, encouraging police intimidation and brutality, and filing criminal charges against them for fabricated crimes, such as theft.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, although laws against slavery, prostitution, forced labor, coercion, kidnapping, and other acts could be used to prosecute traffickers. The Government has ratified international conventions that commit it to apply these laws to stop trafficking in the event that it should develop.

There were reports of two incidents in which procurers kidnaped domestic servants off the street and temporarily forced them into prostitution. In both cases, the kidnappers were arrested and the domestic servants released.

There have been unverified media reports that Bangladeshi gangs have forced a small number of unemployed South Asian women who entered the country as domestic servants into prostitution.